

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY APRIL 29, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2229

Introduced by Assembly Member Brownley

February 18, 2010

An act to amend Section 18961.5 of, and to add and repeal Section 18961.7 of, the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as amended, Brownley. Mandated child abuse reporting.

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. Under existing law, all discussions relative to the disclosure or exchange of this information during team meetings are confidential and testimony concerning those discussions is not admissible in any criminal, civil, or juvenile court proceeding. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained

in the prevention, identification, and treatment of child abuse, as specified.

This bill would, until January 1, 2014, additionally authorize the disclosure and exchange of information to occur telephonically and electronically, ~~for up to 48 hours~~ *30 days, or longer if documented good cause exists*, following a report of suspected child abuse or neglect, if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. The bill would revise the definition of a multidisciplinary personnel team for purposes of this provision to mean any team of 2 or more persons created to investigate a report of suspected child abuse, as specified, who are trained in the prevention, identification, and treatment of child abuse, as specified. The bill would require that the sharing of information permitted in the ~~48-hour~~ period following a report of suspected child abuse or neglect be governed by memoranda of understanding among participating provider agencies, as defined, that ~~prescribes~~ *prescribe* the types of information that may be shared and the process to ensure that specified confidentiality requirements are met.

Existing law provides that a county may establish a computerized data base system within that county to allow provider agencies to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams for the prevention, identification, management, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would revise the definition of multidisciplinary personnel teams for purposes of this provision to additionally include any team of 2 or more persons who are trained in the prevention, identification, management, or treatment of child abuse, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18961.5 of the Welfare and Institutions
- 2 Code is amended to read:

1 18961.5. (a) Notwithstanding any other provision of law, any
2 county may establish a computerized database system within that
3 county to allow provider agencies, as defined in subdivision (h),
4 to share identifying information, as specified in subdivision (c),
5 regarding families at risk for child abuse or neglect, for the purpose
6 of forming multidisciplinary personnel teams, as defined in either
7 subdivision (d) of Section 18951 or paragraph (2) of subdivision
8 (b) of Section 18961.7, for the prevention, identification,
9 management, or treatment of child abuse.

10 (b) Each county shall develop its own standards for defining
11 “at risk” before joining this system. Only information about
12 children or the families of children at risk for child abuse or neglect
13 may be entered into a computerized database system established
14 pursuant to this section.

15 (c) With regard to a case in which a child or family has been
16 identified as at risk for child abuse or neglect under this section,
17 only the following information shall be entered into the system:

18 (1) The name, address, telephone number, and date and place
19 of birth of family members.

20 (2) The number assigned to the case by each provider agency.

21 (3) The name and telephone number of each employee assigned
22 to the case from each provider agency.

23 (4) The date or dates of contact between each provider agency
24 and a family member or family members.

25 (d) The information may only be entered into the system by, or
26 disclosed to, provider agency employees designated by the director
27 of each participating provider agency. Members of the
28 multidisciplinary personnel teams shall be drawn from these
29 designated employees, or other persons, as specified in Section
30 18961. The heads of provider agencies shall establish a system by
31 which unauthorized personnel cannot access the data contained in
32 the system.

33 (e) The information obtained pursuant to this section shall be
34 kept confidential and shall be used solely for the prevention,
35 identification, management, or treatment of child abuse, child
36 neglect, or both.

37 (f) This section shall not supplant any duties required by the
38 Child Abuse and Neglect Reporting Act (Article 2.5 (commencing
39 with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal
40 Code).

(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

(h) For the purposes of this section, “provider agency” means any governmental or other agency which has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families which may share information under this section shall include, but not be limited to, the following entities or service agencies:

- (1) Social services.
- (2) Children’s services.
- (3) Health services.
- (4) Mental health services.
- (5) Probation.
- (6) Law enforcement.
- (7) Schools.

SEC. 2. Section 18961.7 is added to the Welfare and Institutions Code, to read:

18961.7. (a) Notwithstanding any other provision of law, a county may establish a child abuse investigation and prevention multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section ~~11166~~ 11160, 11166, or 11166.05 of the Penal Code, or for the purposes of making a child welfare services referral or detention determination. *the purpose of child welfare agencies making a detention determination.*

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) “Child abuse investigation and prevention multidisciplinary personnel team” means any team of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:

(A) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.

(B) Police officers or other law enforcement agents.

1 (C) Medical personnel with sufficient training to provide health
2 services.

3 (D) ~~Social-service~~ *services* workers with experience or training
4 in child abuse prevention.

5 (E) Any public or private school teacher, administrative officer,
6 supervisor of child welfare attendance, or certified pupil personnel
7 employee.

8 (2) “Provider agency” means any governmental or other agency
9 that has as one of its purposes the prevention, identification,
10 management, or treatment of child abuse or neglect. The provider
11 agencies serving children and their families that may share
12 information under this section shall include, but not be limited to,
13 the following entities or service agencies:

14 (A) Social services.

15 (B) Children’s services.

16 (C) Health services.

17 (D) Mental health services.

18 (E) Probation.

19 (F) Law enforcement.

20 (G) Schools.

21 (c) (1) Notwithstanding Section 827 of the Welfare and
22 Institutions Code or any other provision of law, during ~~the 48-hour~~
23 ~~period~~ *a 30-day period, or longer if documented good cause exists,*
24 following a report of suspected child abuse or neglect, members
25 of a child abuse ~~investigation and prevention~~ multidisciplinary
26 personnel team engaged in the prevention, identification, and
27 treatment of child abuse may disclose to and exchange with one
28 another information and writings that relate to any incident of child
29 abuse that may also be designated as confidential under state law
30 if the member of the team having that information or writing
31 reasonably believes it is generally relevant to the prevention,
32 identification, or treatment of child abuse. Any discussion relative
33 to the disclosure or exchange of the information or writings during
34 a team meeting is confidential and, notwithstanding any other
35 provision of law, testimony concerning that discussion is not
36 admissible in any criminal, civil, or juvenile court proceeding.

37 (2) Disclosure and exchange of information pursuant to this
38 section may occur telephonically and electronically if there is
39 adequate verification of the identity of the child abuse ~~investigation~~

1 ~~and prevention~~ multidisciplinary personnel who are involved in
2 that disclosure or exchange of information.

3 (3) Disclosure and exchange of information pursuant to this
4 section shall not be made to anyone other than members of the
5 ~~child abuse investigation and prevention~~ multidisciplinary
6 personnel team, and those qualified to receive information as set
7 forth in subdivision (d).

8 (d) The ~~child abuse investigation and prevention~~
9 multidisciplinary personnel team may designate persons qualified
10 pursuant to paragraph (1) of subdivision (b) to be a member of the
11 team for a particular case. A person designated as a team member
12 pursuant to this subdivision may receive and disclose relevant
13 information and records, subject to the confidentiality provisions
14 of subdivision (f).

15 (e) The sharing of information permitted under subdivision (c)
16 shall be governed by memoranda of understanding among the
17 participating service providers or provider agencies. These
18 memoranda shall specify the types of information that may be
19 shared, and the process to be used to ensure that current
20 confidentiality requirements, as described in subdivision (f), are
21 met.

22 (f) Every member of the ~~child abuse investigation and prevention~~
23 multidisciplinary personnel team who receives information or
24 records regarding children and families in his or her capacity as a
25 member of the team shall be under the same privacy and
26 confidentiality obligations and subject to the same confidentiality
27 penalties as the person disclosing or providing the information or
28 records. The information or records obtained shall be maintained
29 in a manner that ensures the maximum protection of privacy and
30 confidentiality rights.

31 (g) This section shall not be construed to restrict guarantees of
32 confidentiality provided under *state or* federal law.

33 (h) Information and records communicated or provided to the
34 team members by all providers and agencies, as well as information
35 and records created in the course of a child abuse or neglect
36 investigation, shall be deemed private and confidential and shall
37 be protected from discovery and disclosure by all applicable
38 statutory and common law protections. Existing civil and criminal
39 penalties shall apply to the inappropriate disclosure of information
40 held by the team members.

- 1 (i) This section shall remain in effect only until January 1, 2014,
- 2 and as of that date is repealed.

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